

### **REMARKS**

Careful consideration has been given by the applicants to the Examiner's comments and rejection of the claims, as set forth in the outstanding Office Action, and favorable reconsideration and allowance of the application, as amended, is earnestly solicited.

Applicants note the rejection of Claims 32, 34 and 40 under 35 U.S.C. §103(a) as being unpatentable over Conger, Sr., U.S. Patent No. 4, 648,840 in view of Mabile, U.S. Patent No. 4,676,749, as detailed in the Office Action; the rejection of Claim 33 as being unpatentable over Conger, Sr. in view of Mabile and further in view of Tilden, U.S. Patent No. 2,814,877; the rejection of Claim 35 over the previously applied art and further in view of Maurer, et al., U.S. Patent No. 2,643,456; the rejection of Claims 36 and 42 and 43 as being unpatentable over the previously cited art and further in view of Landgraf, et al., U.S. Patent No. 4,198,755; the rejection of Claims 37-39 as being unpatentable over the previously cited art and further in view of Karst, U.S. Patent No. 4,950,160; the rejection of Claim 41 as being unpatentable over the previously cited prior art and further in view of Saupe, et al., U.S. Patent No. 4,696,645; the rejection of Claims 44 and 45 under 35 U.S.C. §103(a) as being unpatentable over previously cited Conger, Sr. in view of Landgraf, et al.; and the rejection of Claim 46 as being unpatentable over the previously cited prior art and further in view of Fischer, U.S. Patent No. 5,289,919, as also detailed in the Office Action.

Accordingly, upon careful review of the art, and in order to place the application into substantial order for allowance, applicants have cancelled independent Claims 32 and 46 and limited

the application to the single independent Claim 44 and the various dependent claims, as set forth and newly presented, all of which are dependent either directly from Claim 44.

Concerning the foregoing, applicants note that Claim 44 is being presented notwithstanding the rejection thereof over Conger, Sr., U.S. Patent No. 4, 648,840 in view of Landgraf, et al., U.S. Patent No. 4,198,755.

Concerning the prior art, applicants note that Conger, Sr. is essentially incompatible with the structure of Landgraf, et al., although the Examiner indicated that Landgraf, et al. is suggestive of a combination inasmuch as it can be utilized for the same problem solving of allowing the working end of a dental tool, which is connected to fluid supply to rotate with respect to the supply in order to improve the position of the tool that is being utilized.

However, applicants respectfully submit that the present Claim 44 clearly and patentably distinguishes over the art.

With regard to Conger, Sr., the fluid, which is to be transmitted through the passage, provided in the handpiece thereof, comprises particles, which would immediately clog the fluid passageway in the region of the rotatable fluid connection between the various handpiece components. Even in the event that the fluid passageway would not be clogged by particles in view of its dimensions, an annular groove, which is provided therein, would disrupt the stream of the fluid, which would result in an extremely poor performance of the implementation in the dental treatment by a practitioner and consequently would not be employed by a dentist or medical professional.

Even Landgraf, et al. combined with Conger, Sr. would not be applicable to the invention. Although Landgraf, et al. discloses a combination in which a fluid is adapted to be transmitted from a first part to a second part of a handpiece, disclosed therein is a very specific assembly which facilitates transmission of the fluid from the first part of the second part. Referring in particular to the various embodiments, as shown in Figures 2 and 3 of Landgraf, et al., these pertain to fluid passages incorporating an annular groove 18, 26 and 26a, which is sealed by a pair of axially spaced O-rings, and is further in line with a radially extending port. As can be clearly ascertained from Figures 2 and 3 of the drawings of Landgraf, et al., the specific fluid passage arrangement includes angled parts of the intersection between the first handpiece part and the second handpiece part.

Consequently, it would be completely impossible to utilize these fluid passage arrangements, as shown in Landgraf, et al., in a dental instrument provided for by Conger, Sr. or by the present invention, as set forth in Claim 44. As indicated, this would result in a clogging of the operative fluid passageways and render the instrument useless during prolonged applications.

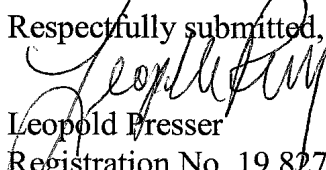
To the contrary, as set forth in Claim 44, the problem which is avoided by the present invention resides in the provision of a longitudinal axial bore, which extends between the opposite ends of the handpiece, with neither cited publication disclosing that type of passageway structure, which will inhibit any clogging or blocking of the fluid flow and abrasive particles contained therein.

Inasmuch as Claim 44 clearly and unambiguously discloses that particular concept and structure, neither Conger, Sr. nor Landgraf, et al. show this particular structure nor solution to the mentioned problem, and Claim 44 is deemed to be clearly allowable over the art of record.

Furthermore, inasmuch as the remaining claims, as applicable, have been amended or newly presented so as to be dependent from Claim 44, and the other independent Claims 32 and 46 having been cancelled, further discussion of the dependent claims is rendered moot, inasmuch as these all incorporate additional limitations to the allowable elements, which are already set forth in independent Claim 44.

The further prior art publications cited in the Office Action by the Examiner have not been applied to Claim 44, and the cancellation of the various claims regarding which this art was cited render discussion of those publications to be moot.

In view of the foregoing comments and amendments, which are deemed to be fully responsive to the Examiner's comments and rejection of the claims, the early and favorable reconsideration and issuance of the Notice of Allowance is earnestly solicited. However, in the event that the Examiner has any queries concerning the instantly submitted Amendment, applicants' attorney respectfully requests that he be accorded the courtesy of possibly a telephone conference to discuss any matters in need of attention.

Respectfully submitted,  
  
Leopold Presser  
Registration No. 19,827  
Attorney for Applicants

SCULLY, SCOTT, MURPHY & PRESSER, P.C.  
400 Garden City Plaza – Suite 300  
Garden City, New York 11530  
(516) 742-4343

LP:jy